

## IN THE UNITED STATES COURT OF FEDERAL CLAIMS

WARREN BERES, et al.,	)	Nos. 03-785L, 04-1456L, 04-1457L, 04-
	)	1458L, 04-1459L, 04-1463L, 04-1465L,
Plaintiffs,	)	04-1466L, 04-1467L, 04-1468L, 04-
v.	)	1469L, 04-1471L, 04-1472L, 04-1473L,
	)	04-1474L
THE UNITED STATES OF AMERICA,	)	
	)	Honorable Marian Blank Horn
Defendant.	)	
	)	
	)	
	)	

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**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT  
THE EXHIBITS TO THEIR BRIEF IN SUPPORT OF THEIR  
CROSS MOTION FOR PARTIAL SUMMARY JUDGMENT (DOC. 244)**

On February 2, 2018, Plaintiffs filed their opposition to Defendant's motion for partial summary judgment and a cross motion for partial summary judgment (Doc. 244). In their brief, Plaintiffs referred to and cited 147 exhibits and attachments thereto, including "Exhibit 17." (See Doc. 244, pp. ix, 57-58.) Plaintiffs have discovered that they inadvertently failed to upload Exhibit 17 when electronically filing their brief and therefore respectfully request the Court grant them leave to do so. Counsel for the Defendant United States has indicated it does not oppose this motion, but reserves its right to object to the contents of Mr. Lewis' declaration in the form of a surreply to Plaintiffs' Reply in Support of its Cross Motion for Partial Summary Judgment. Plaintiffs will not object to Defendant's motion for leave to file a surreply, if filed to address the Lewis Declaration.

Plaintiffs apologize for the oversight in failing to include Exhibit 17 when uploading the exhibits to their brief. While they endeavored to take care to upload the 147 exhibits cited in their brief, they must have inadvertently overlooked that exhibit in the filing. Exhibit 17 is a declaration from Barry Lewis, a predecessor in interest to the Freedman Plaintiffs, which is

tendered by the Freedman Plaintiffs in support of their claim of adverse possession of the right of way in the event the Court should find their deed failed to convey ownership in the right of way itself. (*See* Doc. 244, pp. 57-58.) Accordingly, Plaintiffs request the Court grant them leave to supplement the exhibits so that they may submit Exhibit 17 to be included in their motion for partial summary judgment.

Respectfully submitted this 30th day of March, 2018.

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